

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE	*	BKRTCY. NO. 18-05636 MCF
LUIS A POGGI FUENTES	*	CHAPTER 13
MIGDALIA MILIAN SANTIAGO	*	
DEBTORS		

**DEBTORS' NOTICE OF FILING OF AMENDED SCHEDULE "C"  
OFFICIAL FORM 106C**

**TO THE HONORABLE COURT:**

**COME NOW, LUIS A. POGGI FUENTES and MIGDALIA MILIAN SANTIAGO**, the Debtors in the above captioned case, through the undersigned attorney, and very respectfully state and pray as follows:

1.The Debtors are hereby submitting *Amended Schedule "C"* dated October 25, 2018, herewith and attached to this motion.

2.The amendment to Schedule "C" is filed to claim the appropriate exemption concerning a 1999 Ford Explorer and a 2008 Toyota FJ Cruiser, pursuant to a *Trustee's Objection to Claimed Exemptions DKT. 12*, Docket No. 15, in the above captioned case.

**NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 1009(b)**

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

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Notice of Amended Schedule "C"  
Case no. 18-05636 MCF13

**CERTIFICATE OF SERVICE**

I CERTIFY, that on this same date a copy of this Notice was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee, the US Trustee's Office, and all CM/ECF participants; I also certify that a copy of this notice was sent via regular US mail to the Debtors and to all creditors and interested parties appearing in the master address list, hereby attached.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 25<sup>th</sup> day of October, 2018.

/s/Roberto Figueroa Carrasquillo  
USDC #203614  
RFIGUEROA CARRASQUILLO LAW OFFICE PSC  
ATTORNEY FOR the DEBTORS  
PO BOX 186 CAGUAS PR 00726  
TEL NO 787-744-7699 FAX 787-746-5294  
Email: rfigueroa@rfclawpr.com

Fill in this information to identify your case:			
Debtor 1	<b>LUIS ANGEL POGGI FUENTES</b>		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	DISTRICT OF PUERTO RICO, SAN JUAN DIVISION		
Case number (if known)	3:18-bk-5636		

☐ Check if this is an amended filing

## Official Form 106C

### Schedule C: The Property You Claim as Exempt

4/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

#### Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

☐ You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)

☒ You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own Copy the value from <i>Schedule A/B</i>	Amount of the exemption you claim Check only one box for each exemption.	Specific laws that allow exemption
<b>Debtor 1 Exemptions</b>			
CANDELERO ARRIBA WARD LOS SERRANOS HUMACAO PR, 00791 Line from <i>Schedule A/B</i> : 1.1	\$60,000.00	<input checked="" type="checkbox"/> \$47,350.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(1)
CANDELERO ARRIBA WARD LOS SERRANOS HUMACAO PR, 00791 Line from <i>Schedule A/B</i> : 1.1	\$60,000.00	<input checked="" type="checkbox"/> \$2,500.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(5)
Ford Explorer 4WD 1999 Line from <i>Schedule A/B</i> : 3.1	\$1,428.00	<input checked="" type="checkbox"/> \$1,428.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(5)
Toyota FJ Cruiser 2WD 2008 130000 Line from <i>Schedule A/B</i> : 3.2	\$12,792.00	<input checked="" type="checkbox"/> \$7,550.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(2)



Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own Copy the value from Schedule A/B	Amount of the exemption you claim Check only one box for each exemption.	Specific laws that allow exemption
Toyota FJ Cruiser 2WD 2008 130000 Line from Schedule A/B: 3.2	\$12,792.00	<input checked="" type="checkbox"/> \$5,242.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(5)
Misc Household Goods and Furnishings Line from Schedule A/B: 6.1	\$3,800.00	<input checked="" type="checkbox"/> \$3,800.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(3)
Two TV Sets (\$150 & \$100) Line from Schedule A/B: 7.1	\$250.00	<input checked="" type="checkbox"/> \$250.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(3)
Two Laptops (HP) (\$300 & \$200) Line from Schedule A/B: 7.2	\$500.00	<input checked="" type="checkbox"/> \$500.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(3)
Bose Stereo System (damaged) Line from Schedule A/B: 7.3	\$50.00	<input checked="" type="checkbox"/> \$50.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(3)
Nikon SLR Camara Line from Schedule A/B: 9.1	\$100.00	<input checked="" type="checkbox"/> \$100.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(3)
Clothing and personal effects Line from Schedule A/B: 11.1	\$900.00	<input checked="" type="checkbox"/> \$900.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(3)
Jewelry Line from Schedule A/B: 12.1	\$1,800.00	<input checked="" type="checkbox"/> \$1,800.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(4)
Two mixed breed dogs Line from Schedule A/B: 13.1	\$100.00	<input checked="" type="checkbox"/> \$100.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(3)
Oriental Bank Account no X9333 Joint Checking Account Line from Schedule A/B: 17.1	\$3,554.16	<input checked="" type="checkbox"/> \$3,554.16 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(5)
Banco Popular de Puerto Rico Account no x3912 Joint Checking Account Line from Schedule A/B: 17.2	\$1,671.06	<input checked="" type="checkbox"/> \$1,671.06 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(5)

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own Copy the value from Schedule A/B	Amount of the exemption you claim Check only one box for each exemption.	Specific laws that allow exemption
Banco Popular de Puerto Rico Account no x9162 Cheking Account Graduating Class Account Teodoro Aguilar Mora School Yabucoa 1983 Class Account appears under the Joint Debtor's Name and Olga Fontanez Line from Schedule A/B: 17.3	\$712.00	<input checked="" type="checkbox"/> \$712.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(5)
BPPR Christmas Club x7899 Line from Schedule A/B: 17.4	\$2,001.74	<input checked="" type="checkbox"/> \$2,001.74 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(5)
401K Philips Pension Center Line from Schedule A/B: 21.1	\$83,885.38	<input checked="" type="checkbox"/> \$83,885.38 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(12)
401K AMGEN Line from Schedule A/B: 21.2	\$392,961.89	<input checked="" type="checkbox"/> \$392,961.89 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(12)
IRA Account BPPR x0002 Line from Schedule A/B: 21.3	\$6,291.57	<input checked="" type="checkbox"/> \$6,291.57 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 USC § 522(d)(12)

3. Are you claiming a homestead exemption of more than \$160,375?  
(Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.)
- ☒ No
- ☐ Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?
- ☐ No
- ☐ Yes

**Fill in this information to identify your case:**

Debtor 1  
 First Name Middle Name Last Name  
 Debtor 2  
 (Spouse if, filing) MIGDALIA MILIAN SANTIAGO  
 First Name Middle Name Last Name  
 United States Bankruptcy Court for the: DISTRICT OF PUERTO RICO, SAN JUAN DIVISION  
 Case number 3:18-bk-5636  
 (if known)

☐ Check if this is an amended filing

**Official Form 106C**

**Schedule C: The Property You Claim as Exempt**

4/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

**Part 1: Identify the Property You Claim as Exempt**

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

- ☐ You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)  
☒ You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own Copy the value from <i>Schedule A/B</i>	Amount of the exemption you claim Check only one box for each exemption.	Specific laws that allow exemption
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**Debtor 2 Exemptions**

Brief description:  
 Line from *Schedule A/B*: \_\_\_\_\_  
☐ \_\_\_\_\_  
☐ 100% of fair market value, up to any applicable statutory limit

3. Are you claiming a homestead exemption of more than \$160,375?

(Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.)

- ☒ No  
☐ Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?  
☐ No  
☐ Yes



Fill in this information to identify your case:			
Debtor 1	<u>LUIS ANGEL POGGI FUENTES</u>		
	First Name	Middle Name	Last Name
Debtor 2	<u>MIGDALIA MILIAN SANTIAGO</u>		
(Spouse if, filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	<u>DISTRICT OF PUERTO RICO, SAN JUAN DIVISION</u>		
Case number (if known)	<u>3:18-bk-5636</u>		

☐ Check if this is an amended filing

Official Form 106Dec

## Declaration About an Individual Debtor's Schedules

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Sign Below

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of person \_\_\_\_\_

Attach Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119)

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

X /s/ LUIS ANGEL POGGI FUENTES

LUIS ANGEL POGGI FUENTES  
Signature of Debtor 1

Date October 25, 2018

X /s/ MIGDALIA MILIAN SANTIAGO

MIGDALIA MILIAN SANTIAGO  
Signature of Debtor 2

Date October 25, 2018

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104-3  
ase 18-05636-MCF13  
istrict of Puerto Rico  
ld San Juan  
ed Oct 24 15:48:26 AST 2018

#17 Filed 10/25/18 Entered 10/25/18 14:02:00  
Banco Popular PR (Special Loans)  
PO BOX 162708  
SAN JUAN, PR 00936-2708

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SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILLO  
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AGUAS, PR 00726-0186

End of Label Matrix	
Mailable recipients	12
Bypassed recipients	0
Total	12